

HOUSE BILL NO. 288

INTRODUCED BY B. WISEMAN

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING ASSISTANCE TO CERTAIN MONTANA NATIONAL GUARD MEMBERS IN OBTAINING HEALTH SCREENINGS FOR DEPLETED URANIUM; REQUIRING A REPORT ON PREDEPLOYMENT TRAINING ON HAZARDOUS SUBSTANCES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Exposure to hazardous substances -- definitions -- screening -- report on training practices. (1) For the purposes of this section, the following definitions apply:

(a) "Depleted uranium" means uranium containing less uranium-235 than the naturally occurring distribution of uranium isotopes.

(b) "Eligible member" means a member of the Montana national guard who served in the Persian Gulf War, as defined in 38 U.S.C. 101, or in an area designated as a combat zone by the president of the United States during operation enduring freedom or operation Iraqi freedom.

(c) "Military physician" includes a physician who is under contract with the United States department of defense to provide physician services to members of the armed forces.

(d) "Veteran" means an honorably discharged member of the Montana national guard who served on active duty, other than for training.

(2) (a) The adjutant general of the Montana national guard shall assist in obtaining federal government treatment services, including a best practice health screening for depleted uranium, for an eligible member or veteran who:

(i) has been assigned a risk level I, II, or III for depleted uranium exposure by the branch of service in which the member or veteran served;

(ii) is referred by a military physician; or

(iii) has reason to believe that the member or veteran was exposed to depleted uranium during service in a combat zone.

(b) A best practice health screening for depleted uranium must include but is not limited to a bioassay



1 procedure involving sensitive methods capable of detecting depleted uranium at low levels and using equipment
2 with the capacity to discriminate between different radioisotopes in naturally occurring levels of uranium and the
3 characteristic ratio and marker for depleted uranium.

4 (3) State funds may not be used to provide the health screening for depleted uranium or any other
5 federal treatment services.

6 (4) On or before September 15, 2008, the adjutant general of the Montana national guard shall submit
7 a report to the legislature, pursuant to 5-11-210, on the scope and adequacy of training received by members
8 of the national guard on detecting whether their service as eligible members is likely to entail or to have entailed
9 exposure to depleted uranium. The report must include an assessment of the feasibility and cost of adding
10 predeployment training concerning potential exposure to depleted uranium and other toxic chemical substances
11 and the precautions recommended under combat and noncombat conditions while in a combat zone.

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13 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
14 integral part of Title 10, chapter 1, part 6, and the provisions of Title 10, chapter 1, apply to [section 1].

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16 **NEW SECTION. Section 3. Effective date.** [This act] is effective on passage and approval.

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18 **NEW SECTION. Section 4. Retroactive applicability.** [This act] applies retroactively, within the
19 meaning of 1-2-109, to eligible members and veterans of the Montana national guard who served in a combat
20 zone on or after August 2, 1990.

21 - END -